UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/6/Add.25
31 August 2000

ENGLISH
Original: FRENCH

Substantive session of 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

SENEGAL* **

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* The initial reports submitted by the Government of Senegal concerning rights covered by articles 10 to 12 (E/1986/3/Add.13), articles 13 to 15 (E/1982/3/Add.17) and articles 6 to 9 (E/1984/6/Add.22) were considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights in 1981 (see E/1981/WG.1/SR.11), and 1983 (see E/1983/WG.1/SR.14-16) and by the Committee on Economic, Social and Cultural Rights in 1993 (see E/C.12/1993/SR.37, 38 and 49).

** See also the core document of Senegal (HRI/CORE/1/Add.51/Rev.1).

GE.00-44313 (E)

Introduction

1. This report is submitted pursuant to article 16 of the International Covenant on Economic, Social and Cultural Rights. It concerns measures adopted by Senegal to ensure respect for the rights contained in the Covenant, as well progress made since the first report.

I. COUNTRY PROFILE

Land and people

2. The Republic of Senegal is a Sahelian country situated in the west of the African continent between Mauritania to the north, Mali to the east, Guinea Conakry and Guinea Bissau to the south, and the Atlantic Ocean to the west. The Gambia, an enclave, cuts partly across the territory in its southern half.

3. At the administrative level, Senegal is subdivided into ten regions: Dakar, Diourbel, Fatick, Kolda, Louga, Tambacounda, Thiès, Saint-Louis, Kaolack and Ziguinchor.

4. Its population, currently estimated at 8,500,000, is distributed unevenly over Senegalese territory, with 2,700 inhabitants per km^2 in Dakar and 6 inhabitants per km^2 in the Tambacounda region, which nevertheless accounts for one fifth of the country's total land area.

5. Life expectancy in Senegal is 54 years. The rate of demographic growth has averaged about 2.7 per cent annually. At that rate, Senegal's population will double every 25 years. This population, which now has a rate of increase of 3.8 per cent, includes 57.7 per cent of persons under 20 years of age.

6. The tables in the annex* provide a breakdown of the population by ethnic group, according to area of residence and by languages spoken.

7. The religions practised in Senegal comprise three main groups:

Islam, with 94 per cent of the population;

Christianity, with 5 per cent;

Others, including Animism, with 1 per cent.

8. Senegal has a high rate of urbanization, on the order of 45 per cent. This rate varies from one region to another (96 per cent in Dakar, 8 per cent in the north central part of the country). The urban structure is characterized by a phenomenon of concentration in the nation's capital, which alone accounts for 54 per cent of the urban population (i.e. 2 million inhabitants).

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* The annex may be consulted in the archives of the secretariat.

General political situation

9. Senegal, a former French colony, gained international sovereignty on 4 April 1960. At the very outset it acquired political institutions marked by the separation of powers.

10. The single-party system ended in 1974 with the creation of three political parties. In 1980, after the voluntary departure of President Léopold Sédar Senghor, the taking up of the highest office by President Abdou Diouf heralded major innovations, including the institution of complete political pluralism, enabling more than 20 political parties to be constituted.

11. It should further be noted that the electoral legislation was amended in 1992 on the basis of a consensus between the political parties. Important changes were made, including:

The lowering of the voting age from 21 to 18 years, which has considerably increased the size of the Senegalese electorate;

The term of office of the President was set at seven years;

The transfer of electoral disputes to the Constitutional Council for presidential and parliamentary elections, and to the Court of Appeal for regional, municipal and rural elections, in first resort.

12. Lastly, attention should be drawn to the creation, by Act No. 97-15 of 8 September 1997, of an independent structure responsible for the supervision and monitoring of elections, namely the National Elections Observatory (ONEL).

13. The President of the Republic is elected by direct and universal suffrage. He appoints the Prime Minister and members of the Government.

14. Legislative power is exercised by the National Assembly and the Senate created by a constitutional amendment of 2 March 1998.

Economic, social and cultural characteristics

15. With a per capita gross national product of US$ 553.9 in 1996, according to the World Bank ranking Senegal is a lower-middle-income country. Its economic situation is in strong contrast with the dynamism of population growth. The real gross domestic product (GDP) growth rate has tended to decline over the last 15 years: from an annual 3.8 per cent between 1979 and 1983, it fell to 2.6 per cent between 1984 and 1988, then to 1.7 per cent between 1989 and 1992. This fall in GDP was, however, reversed as from 1994.

General legal framework applicable for the protection of human rights

16. The legal framework in Senegal is based on the rule of law, which constitutes the foundation both of the State and of the organization of public institutions. In 1992, the public authorities thus decided to abolish the Supreme Court and replace it with three high judicial bodies:

(a) The Constitutional Council deals with electoral disputes and makes sure that inferior laws are in conformity with the fundamental law;

(b) The Council of State is the judge of any exceeding of power by the executive authorities and of the lawfulness of administrative acts; it also deals, at the cassation stage, with disputes relating to regional, municipal and rural elections;

(c) The Court of Cassation decides on appeal at the cassation stage on judgements rendered in last resort by the lower courts.

The Court of Audit was created by Constitutional Act No. 99-02 of January 1999. The three high judicial bodies resulting from the 1992 reform also have the principal task of guaranteeing basic human rights as defined by the Constitution and international legal instruments.

17. The public authorities in 1992 furthermore abolished the Court of National Security as it was contrary to the ideals of human rights. Note should also be taken of the establishment, as of 1991, of an Ombudsman of the Republic, a genuine interface between the citizen and the public authorities acting without any constraining administrative formality.

18. The Constitution of Senegal, in article 81, assigns responsibility for safeguarding human rights and freedoms to the judges, who in Senegal are independent. Their independence is enshrined by article 80 of the fundamental law, which provides that "the judiciary is independent from the legislative branch and from the executive branch". This is reflected by the principle of the irremoveability of judges and by the fact that the judiciary is governed by a Supreme Council of Justice.

19. Any victim of an unlawful or criminal act is free to apply to the courts and payment of damages is ensured by the courts hearing such cases.

20. Respect for basic human rights is also subject to close supervision by non-governmental organizations, which are both numerous and active in Senegal.

21. At the international level, the option to uphold the rule of law has been expressed by Senegal's accession to the main international human rights instruments since the creation of the United Nations system. Reference may be made to:

The Universal Declaration of Human Rights of 10 December 1948;

The International Covenant on Civil and Political Rights;

The International Covenant on Economic, Social and Cultural Rights;

The International Convention on the Elimination of All Forms of Racial Discrimination;

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

The Convention on the Rights of the Child.

22. The Senegalese Human Rights Committee, created by Act No. 97-04 of 10 March 1997, is an independent institution for consultation, observation, evaluation, dialogue, cooperation and the formulation of proposals in regard to respect for human rights. It can, on its own initiative or at the request of the Government, Parliament or any other competent authority concerned with the promotion and protection of human rights:

> Issue opinions or recommendations on all questions relating to human rights, including the amendments of laws and regulations or administrative practices in force concerning human rights;
>
> Draw the attention of the public authorities to cases of human rights violations and, as appropriate, propose measures to put an end to them.

It is also charged with:

> Publicizing human rights, in particular by raising awareness among the public and the administration through information, teaching, the media, the organization of conferences or any other appropriate means;
>
> Creating, gathering and disseminating any documentation relating to human rights;
>
> Providing for cooperation between the social forces including institutions and civil society concerned with human rights and taking action when infringements are noted or brought to its attention by the authorities.

The Senegalese Human Rights Committee makes public its opinions and recommendations.

23. The Interministerial Committee on Human Rights and International Humanitarian Law created by Decree No. 97-674 of 2 July 1997, is the main interlocutor for human rights organizations within the administration. It coordinates the discussion and follow-up by the competent ministries of opinions and recommendations from competent human rights or humanitarian associations, as well as from the Senegalese Human Rights Committee. It provides for the examination, by the competent ministries, of claims or allegations of human rights violations brought before them. It ensures the coordination of responses to such claims or allegations. The Interministerial Committee ensures the coordination and follow-up of all action by the administration with regard to human rights and international humanitarian law. It in particular encourages the teaching of human rights and international humanitarian law in schools, universities and training colleges for law-enforcement personnel. It oversees the adaptation of the laws and regulations in force concerning human rights and international humanitarian law.

24. In the same connection, reference should be made to Act No. 99-05 of 29 January 1999 amending of the Code of Criminal Procedure, which provides in article 55 for a lawyer to be present during police custody to assist his client, as well as the possibility for a victim of abuse during police custody to bring the matter directly before the indictment division. Under the previous legislation, only the public prosecutor had been entitled to do so.

25. The last paragraph of article 55 of the Code of Criminal Procedure provides that:

"In the event of a prolongation of police custody, the judicial police officer shall inform the person in custody of the reasons for the extension and make him aware of the provisions of article 56. He shall inform the person of his right to obtain counsel from one of the lawyers on the roster or holding a probationary appointment. Mention of these formalities shall be made in the procedural record on pain of nullity."

26. Under article 59 of the Code of Criminal Procedure:

"when abuses are noted on the part of the judicial police officers in the implementation of police custody, the Public Prosecutor or his deputy shall inform the Procurator-General, who shall bring the matter before the Indictment Division.

A victim of such abuses as are referred to in the previous paragraph may also make an application to the Indictment Division for his case to be examined".

II. INFORMATION CONCERNING THE SUBSTANTIVE PROVISIONS OF THE COVENANT

Article 3. Right of men and women to the enjoyment of all economic, social and cultural rights

27. The standard of living measured by real GDP has altered very little over the past 10 years. The GDP (in CFAF billion) is 2,762.05 in current prices and 1,877.33 in constant prices. As regards access to social services, the last 10 years have been marked by serious difficulties connected with the shortage of public financial resources that have not enabled the State to meet society's heavy demand for education, health-care services and housing as well as all public utility needs (water, electricity, sanitation, etc.)

28. The poverty level in expenditure terms was evaluated in Senegal in 1992 at CFAF 3.224 per inhabitant and per month. Some 30 per cent of households are thus living below the poverty line if this is defined in respect of expenditure necessary to obtain 2,400 calories/day per person. Measures to combat poverty are being finalized between the World Bank and Senegal. Action should be taken among the most vulnerable segments of society, in both rural and urban areas; as 75 per cent of rural households and 58 per cent of urban households are poor. Expenditures by poor persons average CFAF 2,247, i.e. 32 per cent less than the minimum deemed essential to provide for a satisfactory calorie intake.

29. Concerning education, the results recorded are very weak, with a decline in the enrolment rate for elementary school children between 1988 and 1994. It was only after 1994 that enrolment rates began to improve, rising from 54.6 per cent in 1994/95 to 57 per cent in 1995/96.

30. With regard to health, the population's conditions of life, as measured by the indices of mortality, have improved over the past 10 years. Infant mortality (deaths of under one-year-olds per 1,000 live births) fell from 90.4 per 1,000 in 1978-1982 to 84.3 per 1,000 in 1983-1987 and reached 68 per 1,000 in 1988-1992. The same performances have been recorded in child mortality, which fell from 109.4 in 1985 to 68 in 1990.

31. According to the data available, life expectancy increased from 47.3 years in 1978 to 54 years in 1988. It is 53 years for men and 55 years for women.

32. The improvement observed in the field of health has, however, benefited urban areas more. Rural areas still show high rates of infant and child mortality. Very great disparities are noted between urban and rural indicators.

Article 6. Right to work

33. Senegal has recently introduced a new Labour Code marked by major innovations ensuring a balance between the normal development of enterprises and respect for workers' basic rights. The new provisions concern:

Affirmation of the right to work;

Establishment of social dialogue within enterprises;

Reform and simplification of some procedures;

Abolition of any special protection for expatriates;

Compensation for the worker in the event of non-compliance with the rules concerning dismissal;

Institution of measures for structural unemployment;

Institution of leave without pay;

Reform of apprenticeship schemes and establishment of vocational training;

Broadening of the scope of collective agreements;

Flexibility of working time;

Increase in the powers of staff representatives;

Institution of a social balance sheet;

Protection of employees of enterprises with respect to temporary work;

Creation of an interim relief procedure in the courts;

Strengthening of penalties.

34. The Labour Code draws on the Constitution and affirms, in article 1, the principle of the right to work. This right is granted to every citizen as a sacred right, the State being required to do everything to assist the citizen in finding work and remaining in employment.

35. While affirming the primacy of the contract of employment for an indeterminate period, the legislator has eased the hitherto rigid rules applying to the conclusion of contracts of a determinate length, taking account in this respect of the new realities of the economic fabric.

36. The formalities for drawing up a contract of employment have been eased with the abolition of the requirement for an official stamp of approval.

37. The new Labour Code confirms the abolition of the formality of prior authorization for dismissal on economic grounds, a measure in force since 1994.

38. For reasons connected with lightening labour costs, achieving greater productivity gains, making efficient use of equipment and adapting workers' time to their personal requirements, the Labour Code has introduced the innovation of flexible working hours, taking into account the new economic and social realities.

39. Lastly, the innovations deal with the institution of a social balance sheet and the creation of a social interim relief procedure. The social balance sheet is intended to enable the activities of large enterprises to be followed better. It will replace the annual statement on the situation of the labour force. The social interim relief procedure will make it no longer necessary to have recourse to the civil judge. A social interim relief body, composed of the president of the labour court and the clerk will order all urgent safeguard measures.

40. The last periodic report comments at length on the right to work.

Article 7. Right to just and favourable conditions of work

41. Strengthening the protection of pregnant women is a concern of the new Labour Code, which extends the protection for women giving birth and increases its length from 10 weeks to 14 weeks.

Article 8. Right to strike

42. The right to strike has undergone a substantial review in the new Labour Code, which dispenses with the arbitration procedure and establishes a period of 30 days' prior notice after which strikes or lockouts are lawful.

Article 9. Right to social security

43. The social security system has undergone two major changes:

(i) The Senegalese social security bodies, although administering a public service, are now subject to private law (Act No. 75-50 of 3 April 1975). Consequently, their management is in the hands of the social partners. Thus, by Act No. 91-33 of 26 June 1991, the Social Security Fund has been transformed into a social provident institution;

(ii) Social protection is being extended to the informal sector under an agreement between the Social Security Fund and artisans and craftsmen through the chamber of Trades.

44. With the institution of arrangements for leave without pay, the legislation introduces a certain flexibility enabling the worker to obtain such leave from his employer for a certain period and for reasons of personal convenience.

45. There are new provisions governing the age of retirement, which can now be taken from the age of 60 years.

46. Furthermore, the institution of ongoing vocational training enables workers to obtain higher qualifications and provides for harmonious development in employment.

47. The new code no longer includes provisions specific to expatriates. The particular conditions for this category of workers will henceforth depend on the wishes of the parties and will thus be of a contractual nature.

48. Article 15 of the Constitution places emphasis on the protection of young persons and the support given by the State to parents in their task of child-raising.

49. Since 1972, the State has introduced a Family Code guaranteeing women's rights and the protection of children.

50. Concerning the protection of motherhood, Senegal's legislation has been inspired by two concerns, namely to protect pregnant women against arduous or dangerous working conditions and to accord them equal rights with men. The Labour Code contains provisions prohibiting or regulating the work of women in general, under certain conditions and in certain jobs. These provisions prohibit or limit the employment of women for work that would present risks when they are pregnant.

51. A pregnant woman has the right to stop working for 14 consecutive weeks, including 8 after childbirth. This stoppage may be extended for 3 weeks in the event of duly verified illness. The period of stoppage is fully compensated. Under Act No. 80-44 of 25 August 1980, moreover, a female employee receives her full pay during maternity leave.

52. She is entitled to a maximum of one hour's rest per working day for breastfeeding over a period of 15 months from the time of the child's birth.

Assistance and protection for children

53. Protection and assistance for children are ensured by all the relevant laws and regulations (Labour Code, Criminal Code, Code of Criminal Procedure, Family Code, etc.). These instruments give effect to the provisions of articles 1, 4, 6 and 7 of the Constitution.

54. Children are protected against all forms of exploitation, including any work that may be detrimental to their health or education.

55. Children are protected against premature employment pursuant to International Labour Organization (ILO) Convention No. 5. As stated in the new Labour Code (art. 145), children under 15 years of age cannot work without special authorization by decision of the Minister responsible for labour. This prohibition is coupled with measures of protection applicable to all children, whatever the sector of activity.

56. Furthermore, the Department of Supervised Education and Social Protection of the Ministry of Justice provides for the care of delinquent minors or minors in moral danger. Children who are particularly disturbed in their family setting are taken into residential schools. Others are catered for in facilities with half-board or in open centres, where they are afforded protection and receive schooling or vocational training.

Institutional machinery for the advancement of the family, women and children

57. The will to strengthen the family was expressed through the creation in 1978 of two ministerial departments responsible, respectively, for human advancement and the status of women. The merger of those two bodies gave rise in 1983 to the Ministry of Social Development. Concern for greater effectiveness in policies directed towards the family led to the transformation of the Ministry of Social Development into the Ministry for Women, Children and the Family in 1991.

58. The Ministry for Women, Children and the Family, which in July 1998 became the Ministry for the Family, Social Action and National Solidarity, while providing follow-up to governmental action, seeks through the Department of Family Welfare to ensure the effective implementation of all international and national standards relating to the family, women and children. The department has four divisions:

The Women's Division;

The Children's Division;

The Family Division;

The Planning and Training Division.

59. With a view to accomplishing its task, the Ministry for the Family has drawn up three reference documents:

National Plan of Action for Women (1996-2005);

National Plan of Action for Children (July 1991-2000);

Plan of Action for the Family (in progress).

The overall aims are:

Equality between men and women through the elimination of all forms of discrimination;

Effective participation of women in government;

Greater responsibility for women in family and community affairs;

Capacity building for women to manage and take initiatives (economic power, access to means and new methods of production, to vocational training and to senior posts in the public and private sectors);

Reduction of the maternal and child mortality rates;

Universalization of basic education so that by 2000 at least 80 per cent of children of primary school age complete this cycle;

Reduction of the illiteracy rate, protection of children in particularly difficult situations;

Strengthening and effective application of the legislation concerning protection of children;

Advancement of the family by any means that can improve its economic situation, family health and nutrition which are conducive to encouraging solidarity and coherence and the intellectual, social and emotional future of the child.

The various plans of action help to guide and coordinate the efforts of the public authorities, development partners and NGOs directed towards the family, women and children.

Free consent to marriage

60. Article 108 of the Family Code provides that "each of the future spouses, even if they are minors, must personally agree to their marriage". Lack of consent constitutes a ground for declaring the marriage completely null and void: an action for annulment may be brought by the person married against his or her will, by any interested third party or by the public prosecutor.

Article 11. Right to an adequate standard of living

61. Senegal's economy is heavily dependent on agriculture owing to the size of its rural population (70 per cent). Arable land totals 3.8 million hectares. The cultivated areas are estimated at 2.15 million hectares (65 per cent of the arable land), of which 98 per cent are rain-fed and 2 per cent irrigated zones.

62. One of the principal objectives of the Senegalese State is to guarantee food security: constant availability, stability of supply and accessibility of households to foodstuffs. The State has therefore put in place several mechanisms to achieve food self-sufficiency.

Policy and programme implemented by the Government to ensure food self-sufficiency

63. A population policy statement was adopted in 1988. This policy aims to improve people's quality of life, reduce the morbidity and mortality, fertility and population growth rates as well as develop regional potentialities to ensure a better distribution of the population over the nation's territory. The growth rate will thus be brought down from 2.6 per cent in 2000 to 2.2 per cent by 2015 and this means a decline in fertility, which will drop from 5.2 children in 2000 to 3.9 children in 2015.

Programme on detaxation of agricultural material

64. The adoption and implementation of this programme should offer more durable access for rural areas to factors boosting agriculture through the reform of agricultural credit facilities and measures to remove taxes from agricultural material.

Programme of investment in the agricultural sector

65. This comprises three main projects:

Improvement of food security;

Improvement of rural incomes;

Management and conservation of natural resources.

Programme to boost cereal crop production

66. The aim is to increase domestic coverage of cereal needs from 56 per cent in 1995 to 76 per cent in 2000. This applies to the production of rice, millet/sorghum and maize in both rain-fed and irrigated zones, particularly in Casamance and the Senegal river valley. The anticipated output in 2000 will be 150 tonnes of white rice; 900 tonnes of millet/sorghum and 800 tonnes of maize.

67. Credit facilities totalling 64 billion for marketing and the improvement of seeds and other inputs for the 1996/97 and 1997/98 campaigns will be put in place to revitalize rain-fed cereal crop production.

68. To reverse the downward trend in rice production in the valley, the indebtedness of producers (CFAF 6 billion for the period 1989-1995) will be reviewed and credits made available for the campaign and equipment.

National plan of action for nutrition

69. This plan was drawn up following the recommendations of the International Conference Nutrition held in December 1992 in Rome.

Community nutrition project

70. The project's overall objective is to combat malnutrition in urban and periurban areas with the supply of weaning foods.

Food and nutrition situation

Change in the cereal balance sheet between 1990 and 1995

Period	Cereal availability	Utilization	Balance
1990/91	1 961 038	1 522 273	+38 765
1991/92	1 458 270	1 609 289	-151 019
1992/93	1 465 512	1 622 275	-152 763
1993/94	1 535 134	1 648 759	-113 625
1994/95	1 531 109	1 649 967	-118 858

71. An analysis of the cereal balance sheets shows that for the last five years except 1990/91 there has been a deficit. Apparent average consumption is 175 kg/person per year, i.e. less than the norm of 185 kg/person. The shortage is offset by commercial imports and food aid.

72. Average meat consumption is estimated at 10 kg/person per year. However, according to the standards of the Food and Agriculture Organization of the United Nations (FAO), consumption of 42 kg meat equivalent/person per year is required to meet protein needs.

73. National milk production is estimated at 100 million litres on average per year. This output covers only 32 per cent of the country's needs, which are evaluated at 322 million litres per year.

74. The difficulties connected with satisfying food needs are reflected in the nutritional status of the population, especially its most vulnerable members - women and children.

75. According to the population and health survey (EDS-II) conducted by the Department of Forecasting and Statistics (DPS) in 1992/93, if we take the height-for-weight indicator at national level, more than one child in five (22 per cent) suffers from growth retardation or chronic undernutrition, with 8 per cent of those cases representing acute and chronic undernutrition. The highest proportions of chronically malnourished children are to be found in the north-east (26 per cent), followed by the south and the central region (25 per cent each). By contrast, in the west the rate is 16 per cent. In ethnic terms, the proportion is 14 per cent among

the Diolas, 20 and 23 per cent respectively among the Ouolofs and Pulars, etc. By sex, malnutrition affects 23 per cent of boys and 20 per cent of girls; 15 per cent of women are below the critical level and show chronic energy deficiency. On the other hand, 8 per cent of women have a very high body mass index of 27 kg/m^2 or more and fall within the overweight category.

76. The survey on conditions of life conducted in 1992/93 shows that poor households suffer more from food insecurity because of their low incomes. About 30 per cent of the Senegalese population do not reach the recommended minimum food intake. The work of the African food and nutrition research office (ORANA) demonstrates the need for a minimum intake of 2,400 calories/day per equivalent adult. However, the daily calorie intake in Senegal is 2,336 calories per equivalent adult.

77. The under-five mortality rate during the period 1983-1992 was estimated at 184 per 1,000 in rural areas, as against 102 per 1,000 in urban areas. Likewise, nutritional dwarfism (chronic malnutrition in children aged between 1 and 5) is on the order of 33 per 1,000 in rural areas, as against 23 per 1,000 in urban areas.

78. Data on the incidence of poverty at household level show that, for the country as a whole, 33.4 per cent of households are poor. Dakar has 16.4 per cent of poor households, while other towns and cities have 6.3 per cent; in rural areas, the percentage is 44.4 per cent. Some very great regional disparities have been observed; 6 out of 10 regions of the country have rates above the national average: 38 per cent for the Ziguinchor region, 40 per cent for the Tambacounda region, 40 per cent for the Kaolack region, 40 per cent for Louga, 44 per cent for the Fatick region, and 54 per cent for the Kolda region.

79. Poverty seems rather to be a rural phenomenon connected with low money incomes, difficulties of access to loans and poor social coverage.

80. With a view to achieving food self-sufficiency, a number of measures have been approved for the period 1996-2001 under the outline plan for economic and social development (9th plan):

> To combat poverty and unemployment by putting in place a national programme to fight poverty which supplements sectoral investment programmes to ensure more targeted action for certain particularly vulnerable segments of the population;
>
> To improve the management of natural resources by changing behaviour and attitudes through awareness-raising, and also by encouraging public involvement and effective participation in the development of information, education and communication activities on environmental issues with a view to instituting environmental management and conservation measures.

Article 12. Right to physical and mental health

81. The development of the health sector and social action in recent years has enabled an improvement at the level of the whole population. All the mortality indicators have decreased,

both in overall terms and for each specific group. This improvement is the result, in particular, of the implementation of various health programmes and of the national programme on health coverage.

82. The results of the 1988 general population census showed that nearly 2 per cent of the population are disabled. Among them, rural disabled persons account for 9 per cent. The extent of this scourge has led the Ministry of Health to revitalize its rural health programme to improve coverage for patients.

Health policy

83. Senegal has adopted a national health policy based on the primary health-care strategy. The principles underlying this policy are: the right of all citizens to health and an approach to health problems within the economic and social development framework by means of preventive, curative, promotional and social medicine.

84. In 1995, the strategy was updated to take account of new developments in health policy and social action. This new policy is being implemented with the following priorities:

Development of human resources;

Improvement in the quality of services through support to hospitals and the strengthening of health districts;

Strengthening of the policy on medication and rationalization of prescribing;

Identification and promotion of new health-care financing arrangements, such as sickness insurance and mutual schemes.

85. With regard to disease control and maternal and child health, the aim is, inter alia, to eliminate neonatal tetanus by 2000, achieve a 35 per cent reduction in mortality and a 90 per cent reduction in morbidity due to measles, eradicate Guinea-worm disease and reduce the maternal mortality rate by 50 per cent by 2000.

86. Concerning hygiene and environmental sanitation, the aim is to promote suitable technology and publicize the hygiene code. The place of information, education and communication in the health system will be reviewed.

Health spending

87. The proportion of the gross national product (GNP) allocated to health is about 1.7 per cent. The proportion of the national budget allocated to health was 7.75 per cent for 1997. The part of that budget allocated to medical regions and health districts (level of provision of primary health-care services) is 27 per cent.

Indicators defined by the World Health Organization

(a) Infant mortality rate

88. The infant mortality rate is 68 per 1,000. The table below shows mortality among children by area of residence and level of education of the mother.

Characteristics	Infant mortality (q) 10	Child mortality (q) 41	Infant mortality (q) 50
Area of residence			
Urban	54.5	50.0	101.8
Rural	86.7	106.8	184.2
Education of mother			
None	81.1	97.5	170.7
Primary	58.5	42.5	98.5
Secondary or higher	32.1	21.0	52.4

Source: EDS-II report, 1992/93, Ministry of Economy, Finance and Planning, DPS, p. 126.

(b) Population access to safe water

89. The multiple indicator cluster survey (MICS) conducted by the Government together with UNICEF found that:

In urban areas the rate of access is 90 per cent (92 per cent for a distance of more than 500 m);

In rural areas the rate of access is 44 per cent (51 per cent for a distance of more than 500 m).

(c) Population access to adequate excreta disposal facilities

90. In urban areas the rate is 71 per cent and in rural areas it is 15 per cent.

(d) Immunization of infants

91. Immunization coverage is as follows:

BCG 90 per cent;

DPT-1 86 per cent;

DPT-3 80 per cent;

Measles 80 per cent;

Yellow fever 72 per cent.

(e) Life expectancy

92. Life expectancy at birth is estimated at 54 years. It is 53 years for men and 55 years for women.

(f) Proportion of the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel

93. In rural areas, the accessibility of care is between 60 and 65 per cent depending on the district, and use is between 40 and 50 per cent. Essential drugs on the national lists are 50 per cent available on average within one hour's walk or travel and their use varies between 65 and 100 per cent.

(g) Proportion of pregnant women having access to trained personnel and proportion attended by such personnel for delivery

The proportion of women attended by trained personnel for delivery is 24 per cent;

The proportion of pregnant women having access to trained personnel is 49 per cent;

The infant mortality rate is 510 per 1,000 live births.

(h) Proportion of infants having access to trained personnel for care

94. In rural areas the proportion is 75 per cent and in urban areas it is 100 per cent. However, the proportion of infants actually followed in health units is 4 per cent.

Situation of people whose health is significantly less good

95. In Senegal the health of the mother/infant may be considered to be less good than that of the majority of the population.

96. Despite the steady decline in mortality, the health situation of the population in general and that of vulnerable groups such as the mother/infant remains a cause for concern. The levels of maternal and infant or child mortality are still very high. The main root causes are, on the one hand, early or closely-spaced pregnancies and high parity and, on the other, malaria, diarrhoeal diseases, acute respiratory infections and diseases targeted by the expanded programme on immunization.

97. In view of this situation, the priority programme being implemented essentially concerns the survival and development of women and children. It includes:

The expanded programme on immunization (EPI);

The nutrition and breastfeeding programme;

The maternal and child health and family planning (MCH/FP) programme;

The programmes to control malaria, acute respiratory infections and tuberculosis;

The AIDS programme.

98. The measures taken include implementing a policy of decentralization, looking for alternative funding and developing partnerships. The effects of these measures are:

Increased accessibility of care and essential drugs;

Implementation of the pregnancy monitoring programme;

Coverage of the costs of childbirth;

Promotion of breastfeeding;

Nutrition surveillance and weight monitoring;

Family planning;

Control of sexually transmitted diseases and AIDS;

Establishment of a vast "water, hygiene and environmental sanitation" programme, which defines the hygiene rules concerning water, dwellings, public roads, lakes, industrial plants, foodstuffs, restaurants and related premises;

Setting up and organization of a medical service in all enterprises with 400 permanent employees.

99. Government measures to prevent, treat and control epidemic, endemic, occupational and other diseases include:

Strengthening of the education for health service;

Preparation and dissemination of educational messages on diseases of an epidemic nature;

Budgeting for the mass campaign against these diseases;

Implementation of programmes to combat and eradicate malaria, leprosy, tuberculosis, onchocerciasis, bilharziosis, diabetes, sexually transmitted diseases, AIDS and dracunculiasis.

100. To provide all the health services and medical care, the Government has since independence undertaken the construction and equipment of health units, as well as training or retraining of staff in terms of quality and quantity; it also seeks to provide these health facilities with financial resources through the State budget and community participation.

101. The benefits of the measures for the health of vulnerable groups are better access to care and a reduction in morbidity and mortality rates.

102. The measures taken by the Government to guarantee that the rising cost of health care for older persons does not affect their rights in this respect are a policy of recovery and of access to the system based on affordable costs, with financial provision for the treatment for disadvantaged persons.

103. The principal measures taken to enable the community to participate as much as possible in the planning, organization, management and supervision of primary health services are:

Promotion of participation by the population in the health effort with the promulgation of a law and a decree on the establishment of health committees whose members include neighbourhood representatives, women's groups and youth associations in the framework of partnership and joint management of health facilities;

Establishment of a system of monitoring and periodic evaluation of the activities of health units with the full participation of members of the health committees.

104. The measures at the didactic level concerning major health problems and how to combat them are:

Preparation and dissemination of messages in national languages;

Revision and adaptation of school training programmes to reflect new situations.

The system of partnership adopted by the Government allows for international assistance in the formulation and implementation of health programmes. This assistance has enabled the Ministry of Health to obtain additional financial, human and material resources to give effect to the right to health.

Article 13. Right to education

105. The State and public authorities guarantee children's right to education (arts. 16-18 of the Constitution). Act No. 91-22 on the orientation of education in Senegal organizes the educational system into three main cycles:

(a) The basic cycle, comprising pre-school education and multidisciplinary education, which includes elementary education (six years) and intermediate education (four years). Pre-school education caters for children aged 3 to 5 years before they reach the age for multidisciplinary education. The latter is for children aged 7 to 12 years and constitutes the largest component of the system in terms both of its infrastructure and of the numbers of pupils and teachers. It covers the entire national territory and, with a view to ensuring general access to education, Senegal gives it priority as the level par excellence for basic and mass education.

Multidisciplinary education is received by pupils at the intermediate level from the second year onwards who have obtained the certificate of elementary schooling. It has been extended quite well in recent years to rural areas.

(b) The secondary and vocational cycle, which includes secondary general and technical education (final three years) and vocational training. Graduation from the secondary level is attested by the baccalaureate.

(c) Higher education is provided in two universities, the Cheikh Anta Diop University in Dakar (UCAD) and the Gaston Berger University of Saint-Louis (USL). There are likewise plans to set up regional university centres.

106. Senegal also has about 10 schools for vocational training.

107. Education is provided in public schools and in secular and religious (Muslim, Catholic or Protestant) private schools.

108. From the pre-school level to university, public education is free of charge and received by all pupils and students subject to the availability of places.

Table 1. Formal education, public and private: statistical data for 1995/96

Levels of education		Schools	Classes	Pupils	Teachers	Gross school enrolment rate
Pre-school	Public	70	246	7 327	290	X
	Private	142	484	11 806	644	
Elementary	Public	2 784	12 919	789 928	13 130	57.0%
	Private	267	1 971	85 733	2 050	
Intermediate	Public	155	2 036	112 226	3 351	21.6%
	Private	152	980	37 213	X	
Secondary general	Public	29	1 003	46 358	X	10.2%
	Private	27	190	7 000	X	
Pre-school technical	Public	8	116	4 721	2 565	X
	Private	9	23	740		
Higher	UCAD	21 217 students in 1994/95, all faculties				
	USL	Data not available				

Source: DPRE.

X: Data not available.

109. Together with the formal sector, the Senegalese educational system likewise offers ongoing education and special education. Ongoing basic education is intended for persons who were unable to attend school as such or had to leave early. It aims to meet the training needs of grass-roots communities on the one hand, and on the other to enhance the cultural level of citizens who have received vocational training, with a view to their social advancement. Ongoing basic education includes adult literacy and the promotion of national languages.

Table 2. Literacy training by sex and region, 1995/96

Region	Students			Percentage
	Male	Female	Total	
Dakar	1 816	6 772	8 388	7.0
Fatick	3 163	6 165	9 728	7.9
Thiès	2 379	12 209	14 558	11.9
Kaolack	2 816	6 896	9 712	7.9
Tambacounda	6 222	7 745	13 967	11.4
Kolda	4 409	9 684	14 103	11.5
Ziguinchor	784	4 734	5 518	4.5
Louga	2 601	11 271	13 872	11.3
Saint-Louis	7 589	17 121	24 710	20.2
Diourbel	2 390	5 513	5 903	6.4
Total	34 169	88 520	122 689	100.0
Percentage	28%	72%	100%	

Source: DPRE.

Special education, for its part, covers the medical, psychological and pedagogical needs of children whose normal schooling and training is rendered difficult because of a physical or other disability.

110. Teachers are governed by a particular status that affords them certain advantages. With regard to transfers, teachers after appointment to a post can be transferred only at their request. They are also completely free to unionize.

111. For pupils, notable efforts have been made, despite budgetary constraints, in respect of infrastructure, equipment and study grants with a view to achieving general coverage for primary education and maximizing access to other levels of education. The target set by the authorities was to raise the school enrolment rate from 57.03 per cent in 1995/96 to 65 per cent in 1998, establishing a lycée in the administrative centre of each department and a college in each district.

112. A policy aimed at the eradication of illiteracy is likewise obtaining satisfactory results, with 120,000 new literates per year among persons who have not received primary education or have not completed elementary schooling. Attendance for the various literacy programmes has shown a very significant increase, from 44,749 students in 1992/93 to 160,039 in 1996/97. The numbers attending thus quadrupled within five years. The proportion of women has continued to increase, from 65 per cent of students in 1993/94 to 79 per cent in 1996/97.

113. In addition to the 30 per cent of the national budget allocated for education, mention should be made of the human resources development programme being implemented with Senegal's partners. Over a period of five years the programme includes the following measures: construction and equipment of 1,500 classrooms; annual recruitment of 500 teachers; increase in the school enrolment rate for girls; and production of sufficient quantities of school textbooks in Senegal.

Article 14. Right to free primary education

114. Over the previous five years, the school enrolment rate fell by 3 per cent. In the case of boys, there was a decrease of 4 per cent during the period, the rate dropping from 66.8 per cent to 62.7 per cent. Non-enrolment affected girls less, since they lost only 0.8 percentage points (47.4 per cent and 46.6 per cent respectively). However, the rate did significantly improve, rising from 54.6 per cent in 1990 to 57 per cent in 1996, and then to 59.7 per cent in 1997, consequently increasing by more than 5 points in two years.

115. If we look at the last 10 years, the primary school enrolment rate fell from 57.6 per cent in 1985 to 54.6 per cent in 1995, i.e. a 3 per cent decline over that period. Primary education has undergone a sustained development in more recent years marked by an increase in the school enrolment rate, which rose from 54 per cent in 1994 to 61 per cent in 1998. The share of girls in the total number of pupils, amounting to more than 1 million, was 46 per cent in 1998. This increase is connected with the measures taken to strengthen the school network and recruit teachers in sufficient numbers. Between 1995 and 1998, more than 3,000 classrooms had been built and 1,700 teachers recruited on average per year.

Article 15. Right to take part in cultural life

116. The right to take part in cultural life is provided for in numerous measures, including:

The setting up of a fund, totalling CFAF 28 million for 1997 (to assist artists and for the development of culture);

The establishment of a programme to support cultural initiatives, costing CFAF 300 million for an experimental period of 18 months;

The creation of a cultural centre incorporating a public library in each region;

The creation of two regional museums in Thiès and Tambacounda;

Support and guidance for cultural events initiated by members of the public to affirm their cultural identity;

The institution of a national heritage day to make people more aware of the value of their heritage and of the need to preserve it;

The institution as from 1997 of a national arts and cultures festival to encourage the expression of the specific cultural features of each community and help to identify the elements of convergence that cement national unity.

117. As of 1995, the various institutions responsible for artistic and cultural training joined together to form the National Arts and Crafts School. The school has departments for the performing arts, plastic arts, training of trainers and organizers of cultural activities, and dressmaking and fashion.

118. The decision was taken by the President of the Republic to establish a national book fair, build a national library, restore the dynamic museum formerly used for the Court of Cassation, make the Médina residence available to the Ministry of Culture to serve as a house of culture, institute a presidential grand prize for the arts and a presidential grand prize for literature, and organize a biennial contemporary African art fair in Dakar.

119. Act No. 72-40 of 21 May 1972 created the Senegalese Copyright Office, one of the first in Africa. Act No. 73-51 of 4 December 1993 ensures the protection of copyright for literary, scientific and artistic works; it defines the purpose, scope and beneficiaries of copyright, sets the limits to this right, determines the conditions for its transfer, and the performance or publication of works, and specifies the duration of the protection and the penalties for unlawful use.

120. The so-called "1 per cent law", which makes it a condition, for the construction of any public building or other public facilities of a value of CFAF 20 million or more, to set aside at least 1 per cent of that value for artistic decoration, was passed in 1968. The head of State has recently taken measures for the effective implementation of that law.

121. Act No. 96-07 of 22 March 1996 approved the partial transfer of cultural responsibilities to the recently established local authorities. The Act is accompanied by an enabling decree (Decree No. 1137 of 27 December 1996).

Article 15. Right to enjoy the benefits of scientific progress

122. Several research and development centres and institutes have been established. These bodies cover virtually all sectors of activity and include:

The Food Technology Institute, created in 1963 with FAO support, is responsible for the development, testing and practical application of technologies to promote local agricultural products;

The Institute of Meteorological Physics (IPM), which has become a renewable energy research centre. It has taken charge of research on and the use of solar technologies;

The Agricultural Research Institute (ISRA) has developed several varieties of drought-resistant cereals.

123. Since March 1995 scientific research has again acquired its own ministerial department with responsibility for coordinating and promoting science and technology activities.

124. To encourage the dissemination of information on technical progress, a national scientific and technical documentation centre has been set up with the assistance of UNESCO and UNDP. Its function is to:

Facilitate access to scientific, technical and economic information services;

Create and strengthen sectoral information networks;

Provide for the training and skills upgrading of staff dealing with new information technologies;

Set up a national information system (agriculture, public administration, higher education, research, urban planning, habitat, infrastructure and transport, health and hygiene, environment, trade, industry, technology);

Install databases: six industrial and commercial databases can be consulted locally by Minitel.

125. Senegal has set up the Intellectual Property and Technology Service, which liaises with the African Intellectual Property Organization (AIPO). Senegal is a signatory of the Bangui Agreement of 2 March 1997 that created AIPO.

126. A biennial "Afritech" science fair has been established to provide an open forum for research and researchers and to promote the interchange of scientific information between national researchers and those of other countries. The first such event was held in 1993.

127. The Constitution recognizes freedom of thought, which is essential for creative activities.

128. Ministries and State research centres have budget lines to promote exchanges of information through study tours and the organization of scientific meetings.

129. The Government provides considerable financial support for researchers and scientists to take part in conferences, seminars and symposia.